

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

LARRY EDWIN PATTERSON,

Plaintiff,

v.

Civil Action No. 3:24CV433

CHADWICK DOTSON, *et al.*,

Defendants.

MEMORANDUM OPINION

Plaintiff submitted this action in which he challenges the Virginia Parole Board procedures and decision not to release him on discretionary parole. These challenges are “more appropriately . . . brought as a civil rights complaint under 42 U.S.C. § 1983, rather than as a petition for a writ of habeas corpus under 28 U.S.C. § 2254.” *Neal v. Fahey*, No. 3:07CV374, 2008 WL 728892, at *1 (E.D. Va. Mar. 18, 2008) (citing *Wilkinson v. Dotson*, 544 U.S. 74, 82 (2005); *Strader v. Troy*, 571 F.2d 1263, 1266–69 (4th Cir. 1978)). This so because this Court could not order Plaintiff’s release on parole. At most, this Court could direct the Virginia Parole Board to *reconsider* Plaintiff for release on Parole. The Court previously has informed Plaintiff that his challenges to the Parole Board’s decisions and procedures must proceed by way of 42 U.S.C. § 1983. *See Patterson v. Kaine*, 3:08CV445, ECF No. 6, (E.D. Va. Aug. 25, 2008).

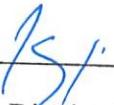
Plaintiff has requested leave to proceed *in forma pauperis*. The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See Patterson v. Kaine*, No. 3:08CV490, 2010 WL 883807, at *8 (E.D. Va. Mar. 11, 2010); *Patterson v. Kaine*, No. 7:08cv00284, 2008 WL 2795467, at *1–2 (W.D. Va. July 18, 2008) (explaining that the court had “reviewed the dockets in at least sixteen actions plaintiff has filed in the federal courts in Virginia” and found, as of that date, three cases that qualify as “strikes”); *Patterson v. Jenkins*, No. 7:01cv766 (W.D. Va. Oct. 31, 2002); *Patterson v. Coker*, No. 3:98cv238–JRS (E.D. Va. Jan. 13, 1999); *Patterson v. Garraghty*, No. 3:98cv197–JRS (E.D. Va. Aug. 11, 1998). Plaintiff’s current complaint does not suggest that he is in imminent danger of serious physical harm. Accordingly, and his request to proceed *in forma pauperis*, (ECF No. 2). will be DENIED. The action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 6/25/24
Richmond, Virginia

/s/ 
John A. Gibney, Jr.
Senior United States District Judge